1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 JAMES E. TUCKER; 11 Case No.: 1:15-cv-01244 --- JLT 12 Plaintiff, ORDER TO PLAINTIFF TO SHOW CAUSE WHY THE MATTER SHOULD NOT BE DISMISSED 13 v. FOR HIS FAILURE TO COMPLY WITH FED. R. CIV. P. 4(m) JOHNSON & JOHNSON, et al., 15 Defendants. ORDER CONTINUING SCHEDULING CONFERENCE 16 17 On August 10, 2015, Plaintiffs filed the instant action. (Doc. 1) The next day, the Court 18 issued the summonses (Doc. 2) and its order setting the mandatory scheduling conference to occur on 19 November 24, 2015. (Doc. 3) In its order setting the mandatory scheduling conference, the Court 20 advised counsel: 21 The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom 22 plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred 23 to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve summons and complaint may result in the imposition of 24 sanctions, including the dismissal of unserved defendants. 25 26 (Doc. at 1-2, emphasis added) Nevertheless, Plaintiff has not filed a proof of service of the summons 27 and complaint and no defendant has appeared in the action. 28 ///

Therefore, the Court **ORDERS**, No later than November 30, 2015, Plaintiff **SHALL** show cause in writing why the matter should not be dismissed for his failure to comply with the Court's order to diligently serve the summons and complaint; The scheduling conference, currently set on November 24, 2015, is continued to 2. January 28, 2016 at 9:30 a.m. at the United States Courthouse at 510 19th Street, Bakersfield, CA. Failure to comply with this order may result in the imposition of sanctions, including the dismissal of unserved defendants. IT IS SO ORDERED. Dated: November 6, 2015 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE